

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haeefe, <i>Liaison Counsel</i> MOTLEY RICE LLC	Stephen A. Cozen, <i>Co-Chair</i> Sean P. Carter, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

July 12, 2024

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Plaintiffs write in response to the July 10, 2024 joint letter, ECF No. 10076, submitted by The Muslim Work League ("MWL"), International Islamic Relief Organization ("IIRO"), World Assembly of Muslim Youth ("WAMY"), and certain officials of those organizations (collectively the "Charity Defendants").

With the partial exception as to WAMY noted below, the Charity Defendants did not meet and confer with Plaintiffs in relation to the matters raised in their letter, contrary to this Court's Order at ECF No. 10031. Counsel for the MWL and IIRO had indicated an intention to participate in a call among Plaintiffs, the Department of Justice ("DOJ"), and Saudi Arabia, but the DOJ declined to allow that participation. Plaintiffs did not hear anything further from the MWL and IIRO or the individual charity defendants after that date, and therefore did not anticipate any filing from them.

For its part, WAMY wrote to Plaintiffs on June 17, 2024 to request that Plaintiffs identify any WAMY discovery documents submitted as exhibits to the Averment that were designated as confidential in discovery. Plaintiffs promptly identified twelve WAMY-related documents, which included two deposition transcripts, and specifically provided WAMY with their exhibit numbers, WAMY bates numbers, and brief descriptions of each document. *See* Plaintiffs' June 19, 2024 letter at Ex. 1. WAMY thereafter indicated that it would not be seeking sealing of any of the identified documents, including the two deposition transcripts. *See* WAMY's June 21, 2024 letter at Ex. 2 ("WAMY does not seek to have any WAMY-related exhibit set forth in your letter of June 19, 2024,

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sealed.”). WAMY’s joinder in the July 10, 2024 letter with the other Charity Defendants is contrary to that agreement.

Had the Charity Defendants conferred with Plaintiffs about the issues raised in their letter, we would have asked that they identify with particularity the materials within the scope of that letter, which remains unclear. Plaintiffs believe that their Averment refers to all of the Charity Defendant discovery documents submitted as exhibits, meaning that all of them are judicial documents. The Charity Defendants have not offered any showing to suggest that those documents would qualify for sealing, so they should now be filed publicly.

As for the deposition transcripts, Plaintiffs incorporate their discussion of that issue from their response to Saudi Arabia’s motion, and additionally note that any of the depositions references by the Charity Defendants will almost certainly also be part of the record as to any dispositive motion they may later file. And, here again, the Charity Defendants have not identified any content within those transcripts that would qualify for sealing, or attempted to make a showing to support such sealing in their letter. A meet and confer dialogue may well have resolved that any sealing request as to them would be pointless.

Plaintiffs have no objection to filing errata sheets for the depositions, and would have so indicated in a meet and confer.

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Robert T. Haeefe

ROBERT T. HAEFELE

MOTLEY RICE LLC

28 Bridgeside Boulevard

Mount Pleasant, SC 29465

Tel.: (843) 216-9184

Email: rhaefe@motleyrice.com

*Liaison Counsel for the Plaintiffs’ Executive
Committee for Personal Injury and Death Claims on
behalf of the Plaintiffs*

COZEN O’CONNOR

By: /s/ Sean P. Carter

SEAN P. CARTER

COZEN O’CONNOR

1650 Market Street, Suite 2800

Philadelphia, Pennsylvania 19103

Tel.: (215) 665-2105

Email: scarter1@cozen.com

*Co-Chair of the Plaintiffs’ Executive Committee for
Commercial Claims on behalf of Plaintiffs*

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KREINDLER & KREINDLER LLP

By: /s/ Steven R. Pounian

STEVEN R. POUNIAN

KREINDLER & KREINDLER

485 Lexington Avenue, 28th Floor

New York, NY 10017

Tel.: (212) 687-8181

Email: spounian@kreindler.com

Attorneys for the Ashton Plaintiffs

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record, via ECF

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